

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/8/2019 1:02:49 AM
To: Beck, Nancy [Beck.Nancy@epa.gov]
CC: Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]
Subject: RE: Enablon Blog - TSCA - DDL ASAP

Let me try.

From: Beck, Nancy
Sent: Thursday, March 07, 2019 7:58 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>
Subject: Re: Enablon Blog - TSCA - DDL ASAP

For #10 is it too late to add something about how while the list has been updated and added to, no chemicals have ever been removed and thus for the first time we are now telling the public which of the 80,000+ on the list are currently in active use and which are no longer manufactured or imported.

Thanks.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Mar 7, 2019, at 6:38 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

Thanks!

From: Dunn, Alexandra
Sent: Thursday, March 07, 2019 6:38 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>
Subject: Re: Enablon Blog - TSCA - DDL ASAP

Ok

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency

Washington, DC

Sent from my iPhone

On Mar 7, 2019, at 6:33 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

I believe that this reporter writes blogs for different company audiences. Below are responses to his questions – He had inquired about the upcoming webinar too.

Tala approved.

RESPONSE:

Please feel free to tell your readers about the March 13 Webinar you inquired about. Details at the bottom.

1. From what I've read, it sounds as though this inventory is simply a list of active chemicals used in manufacturing or imports. Substances that were recently reported to be in U.S. commerce per new requirements under amendments to TSCA section 8(b) are designated as active. Substances not reported to be in U.S. commerce are listed as inactive.
2. But from its name: Toxic Substances Control Act, one would assume that the chemicals on this inventory should not be used in products due to their harmful nature and potential. Which is correct, please? The TSCA Inventory is not a "toxics" list. The Inventory is a list of substances that are allowed to be in U.S. commerce, either because they were in commerce at the time TSCA was enacted in 1976 and added to the original Inventory (under TSCA section 8), or because they entered U.S. commerce after being reviewed as a new chemical substance (under TSCA section 5). Substances that are not on the Inventory are considered "new" chemical substances and are subject to TSCA section 5 new chemical review. Substances that are on the Inventory are considered "existing" chemical substances in U.S. commerce and may be subject to existing chemicals provisions under TSCA such as TSCA sections 4 and 6.
3. And even though a chemical is listed because it "exists," can it be used in production here in the US or an import even though it is on this list? Substances that are not on the Inventory are considered "new" chemical substances and are subject to TSCA section 5 new chemical review.
4. Does the list indicate the amount a manufacture may use of each chemical regulated? No. Substances on the TSCA Inventory can be domestically manufactured or processed in the U.S. or imported into the U.S. by any company in any amount, unless a substance is subject to regulation that restricts its import or production volume.
5. If a manufacturer uses a substance found on this list, can they still produce/sell the product after they declare it or do they have to use something else? Substances on the TSCA Inventory can be domestically manufactured or processed in the U.S. and do not need to be "declared." Substances that are imported into the U.S. are subject to TSCA section 13 import certification requirements.

6. What do you do if you find that a company declares a chemical that is flagged as toxic? If a substance is subject to regulation under TSCA, it can be commercialized in the U.S. as long as the commercial activity adheres to the requirements and/or restrictions of the regulation. If a company that manufactures, imports, processes, or distributes a substance in U.S. commerce obtains new information that reasonably supports the conclusion that such substance presents a substantial risk of injury to health or the environment, the company is required to notify EPA of such information under TSCA section 8(e). A risk evaluation may be initiated by EPA to determine if a chemical substance presents an unreasonable health or the environment. [Read more.](#)
7. Do the same requirements for declaring chemicals used in a product fall on imports as well as those manufactured here in the US? Generally yes, substances subject to TSCA includes those in commerce in the U.S., either from domestic manufacture or processing or from importation. There may be differences in reporting requirements for domestically manufactured substances versus imported substances, e.g., less information may be required in a TSCA section 5 notice for an imported substance compared to a domestically manufactured one.
8. You say, To be listed on the TSCA Inventory, the substance must be considered an "existing" chemical substance in U.S. commerce. Any chemical that is not on the Inventory is considered a "new chemical substance." If it is a "new chemical substance," must it be cleared before it can be used in manufacturing or the product allowed to be imported into the country? Yes, substances that are "new" chemical substances (i.e., that are not on the Inventory) are subject to TSCA section 5 new chemical review prior to commercialization in the U.S.
9. If yes, how long would this process take approximately? TSCA section 5 Premanufacture Notices have a 90 day review period. TSCA section 5 exemption applications have a shorter review period, e.g., the review period is 30 days for low volume exemption applications and low environmental release and low human exposure exemption applications, and 45 days for test marketing exemption applications.
10. Whose responsibility is it to prove it is "safe"? TSCA requires EPA to review section 5 notices and make an affirmative finding on the safety of new chemical substances or significant new uses of chemical substances before they can enter U.S. commerce.
10. Has it really been 40 years since the list was updated? The TSCA Inventory is updated almost daily with the addition of new substances that have entered commerce after TSCA section 5 review. The Inventory was just recently updated to add, for the first time, commercial activity status data per new reporting requirements under amendments to TSCA section 8(b). It is the law, the Toxics Substances Control Act (TSCA)[not the TSCA inventory] that was originally passed in 1976, that had not been updated until 2016 when the Frank R. Lautenberg Chemical Safety for the 21st Century Act was passed, thereby amending TSCA.

EPA is hosting a webinar to assist manufacturers (including importers) and processors with future reporting requirements under the TSCA Inventory Notification (Active-Inactive) final rule after the initial Inventory was published February 19.

Almost half of the chemical substances on the TSCA Inventory have been reported as active by manufacturers or processors. Under the Active-Inactive rule, a substance is not designated as an "inactive substance" until 90 days after EPA publishes the initial version of the Inventory with all listings identified as active or inactive. The rule provides time for manufacturers and processors to react to an inactive substance identification and to file an NOA Form B prior to the effective date of the inactive designation 90 days later.

Manufacturers and processors should be aware that if there is a substance that is listed as "inactive" that is currently being manufactured or processed, they have 90 days to file an NOA Form B so that they can continue their current activity. Manufacturers and processors that intend to manufacture or process an "inactive" substance in the future must submit an NOA Form B before they start their activity.

The webinar is scheduled for 1-4 PM EDT on Wednesday, March 13. The webinar will include an overview of filing a Notice of Activity Form B, a demo of the electronic reporting application, and time for questions and answers. Registration for the webinar is not required.

For more information, visit EPA's website: <https://www.epa.gov/tsca-inventory>

From: Daguillard, Robert
Sent: Wednesday, March 06, 2019 6:54 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: LINDA/OPPT: Enablon Blog - TSCA - Awaiting DDL Info

**ENABLON BLOG
LAURIE TOUPIN
AWAITING DDL INFO**

Team, let me know if you want to discuss.

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Dear Maggie,

Thank you so much for your answers to the PFAS Action Plan. They are very helpful and very complete!

However, that blog has been usurped to try to get in one about the updating of the TSCA so that we can alert our readers to the upcoming webinar.

Would it be possible, please, for you to answer even the first couple of these questions either today or tomorrow morning?

I am happy to speak on the phone if that would easier.

Thank you so much for any help you can provide!

Sincerely,
Laurie Toupin
603-233-6543

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But from its name: Toxic Substances Control Act, one would assume that the chemicals on this inventory should not be used in products due to their harmful nature and potential.

Which is correct, please?

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Does the list indicate the amount a manufacture may use of each chemical regulated?

If a manufacturer uses a substance found on this list, can they still produce/sell the product after they declare it or do they have to use something else?

What do you do if you find that a company declares a chemical that is flagged as toxic?

Do the same requirements for declaring chemicals used in a product fall on imports as well as those manufactured here in the US?

You say, To be listed on the TSCA Inventory, the substance must be considered an "existing" chemical substance in U.S. commerce. Any chemical that is not on the Inventory is considered a "new chemical substance." If it is a "new chemical substance," must it be cleared before it can be used in manufacturing or the product allowed to be imported into the country?

If yes, how long would this process take approximately?

Whose responsibility is it to prove it is "safe"?

Has it really been 40 years since the list was updated?

Thank you so much in advance for any help you can provide!

I can be reached at: 603-233-6543 (cell)